IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

P.I.L. NO. 69 OF 2006

Mrs. Sheila Vishwanath .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr.Mihir Desai with Mr.V.P. Patil for the Petitioner.

Mr.More, A.G.P. for Respondent No.1

Mr.Bipin Joshi for Respondent No.2.

CORAM : H.L. GOKHALE, ACG. CJ. &
V.M. KANADE, J.

DATE : 15TH FEBRUARY 2007

P.C. :

1. Heard the counsel for the parties.

2. The petition is concerning an incident of sexual harassment which led to filing of an FIR bearing No.99 of 2006 with the Powai Police Station by the Petitioner. The grievance of the Petitioner was that the investigation was not being conducted properly and partly because Respondent No.2 was a principal of a school and the allegations were against him. After filing of the petition, and for that matter, according to the State, even before that that necessary steps were initiated. The Court observed in its earlier orders

that appropriate D.N.A. test of the individuals involved and the chemical analysis of various articles including clothes ought to be done. Mr.More, A.G.P. informs that all those steps have been taken and the supplementary charge-sheet has also been filed on 6th January 2007.

3. Prayer (a) of this petition is to direct the State to take immediate steps against the 2nd Respondent Principal against whom the allegations have been made. This is the principal prayer in the petition. Inasmuch as the State has taken up the necessary steps in right earnest, Mr.Desai, learned counsel for the Petitioner, submits that it will be better that the prosecution should be left to the agency concerned. We are also of the view that it will be desirable that the State proceeds with the prosecution and with all expedition as desired by Mr.Desai, learned counsel for the Petitioner.

4. Prayer (b) of the petition is concerning the appropriate depiction of such incident so as to protect the victim when it comes to newspapers and the other media. Mr.Desai, learned counsel for the Petitioner, submits that an appropriate petition in this behalf would be filed later. This being the position, as far as this prayer is concerned, we are not observing one way or the other.

5. The other submission of the Petitioner is that the appropriate guidelines be framed with respect to the protection of ladies in schools. When it comes to cases of sexual harassment, guidelines given by the Supreme Court in Vishakha v. State of Rajasthan - (1997) 6 SCC 241 ought to be appropriately followed. On this aspect also, Mr.Desai submits that an appropriate writ petition is being filed. As and when the writ petition is filed, the same will be looked into.

6. Petition stands disposed.

ACTING CHIEF JUSTICE

V.M. KANADE, J.